

As will be discussed in detail below, independent claims 1 and 6, and their dependent claims, are not anticipated by Ophir because Ophir does not disclose an apparatus to evaluate a scanner for diagnostic purposes.

A. Ophir Does Not Anticipate Claims 1 and 6

The Examiner rejected independent claims 1 and 6 based on Ophir. Claims 1 and 6 are an apparatus and method claim, respectively, "to evaluate" a scanner "for diagnostic purposes". (emphasis added). Ophir discloses a method and apparatus for estimating the compressibility of a target body. This quantitative measure of compressibility of tissue allows for accurate detection of diseases. col. 6, l. 30-32 and l. 40-46. In contrast to this apparatus for estimating compressibility, the apparatus and method of the present invention is for quantitatively evaluating a scanner for diagnostic purposes. The present invention allows a user to determine whether the scanner being tested is functioning properly. Consequently, Ophir does not anticipate the present invention as claimed in claims 1 and 8.

B. Claims 2-3, 5, 7-10, 15, and 17-20 Are Not Anticipated By Ophir

Because claims 2-3 and 5, which depend from claim 1, incorporate all the limitations of claim 1, the above arguments apply a fortiori to this ground for rejection. Because claims 7-10, 15, and 18-20, which depend from claim 6, incorporate all the limitations of claim 6, the above arguments apply a fortiori to this ground for rejection. Thus, claims 2-3, 5, 7-10, 15, and 17-20 are not anticipated by Ophir.

II. §103 Rejections

The Examiner rejected claims 4, 11-14, and 16 as being unpatentable over Ophir. In order to show obviousness based on a reference or a combination of references, there must be some suggestion in the reference to make the claimed combination. Ophir does not suggest combination claimed in claims 4, 11-14, and 16.

Claim 4 depends from claim 1. As discussed above, Ophir does not disclose an apparatus for evaluating a scanner for diagnostic purposes. In this context, claim 4 requires the output device to be a printer for purposes of obtaining a hardcopy of the results of the quantitative processing. Ophir does not disclose a suggest the use of a printer with an apparatus which does quantitative analysis to evaluate a scanner for diagnostic purposes. Thus, claim 4 is not obvious in view of Ophir.

Claims 11-14, and 16 require the quantitative processing done on an image to include vertical pin objects, horizontal pin objects, cyst objects, tumor objects, and dead zone and penetration depth. The method in Ophir would estimate the compressibiity of the cyst/ tumor objects. However, there would be no reason for Ophir to use these objects claimed in claims 11-14 and 16 for evaluating scanners, since Ophir's method is not for performing quantitative analysis for such a purpose. Consequently, Ophir neither discloses nor suggests the combination claimed in claims 11-14.

III. Specification

In accordance with the Examiner's request, the title of the present invention has been changed to "A Method and Apparatus for Evaluating a Scanner". This title is more indicative of the present invention as claimed.

CONCLUSION

Applicant has pointed out the clear lack of anticipation of the claims in the case by Ophir and that the claims are not obvious in view of Ophir. Consequently, the claims 1-20 appear to be allowable and a Notice of Allowance is requested.

Respectfully submitted,

Naganathasastrigal Ramanathan

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By Devan V. Padmanabhan

Devan V. Padmanabhan, Esq.
Registration No. 38,262
DORSEY & WHITNEY P.L.L.P.
Pillsbury Center South
220 South Sixth Street
Minneapolis, Minnesota 55402
Telephone: (612) 343-7990

Attorney for Applicant